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March 8, 2002

VIA FACSIMILE

Confirmation via Certified Mail, Return Receipt Requested

Steven A. Ellenberg, Esq.
Ruby & Schofield
60 South Market Street, Suite 1500
San Jose, CA 95113-2379

Re: U.S. Patent Applications for Dr. Hutchens' review
Our File Nos.: 016866-002711US and 016866-005710US
Your File No.: HU104-1

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Dear Steven:

Thank you for your letter of March 7, 2002.

Ciphergen is not willing to agree to the condition proposed in your letter (i.e., forgo any potential legal claims against Dr. Hutchens in the future related to the review of the applications). Dr. Hutchens is a former employee of Ciphergen Biosystems, Inc. On April 7, 1997 he executed a "Proprietary Information And Inventions Agreement" in which he agreed to "hold in strictest confidence" Ciphergen's Proprietary Information and to "assist the Company in every proper way to obtain and from time to time enforce United States and foreign Proprietary Rights relating to Company Inventions." Dr. Hutchens' obligation to respect the terms of this agreement is not conditioned on Ciphergen waiving its rights, and Ciphergen has no intention of waiving its rights in this regard. Accordingly, Ciphergen now has no choice but to proceed with prosecution of these patent applications naming Dr. Hutchens as an uncooperative inventor in both the above application and in the application that Dr. Parent is handling (patent application relating to 60/269,772).

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Steven A. Ellenberg
March 8, 2002
Page 2

Please return the documents forwarded with our letter of March 1, 2002 to us at your earliest opportunity.

Very truly yours,



Patrick R. Jewik

PRJ

cc: John Storella, Esq. (Ciphergen Biosystems, Inc.)
Jeffrey Chanin, Esq.
Annette Parent, Esq.

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PATENT APPLICATION
FILING ACKNOWLEDGMENT

Mailing Date: June 20, 2001

Attorney: Annette S. Parent/kji

Alderson

ULOSIS

PATENT APPLICATION
FILING ACKNOWLEDGMENT

Mailing Date: June 20, 2001

File No.: 014058-009070US

Attorney: Annette S. Parent/kji

Inventor(s): Yasir SKEIKY, Steven Reed, and Mark Alderson

Title: FUSION PROTEINS OF MYCOBACTERIUM TUBERCULOSIS

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mittal; Application
Sheet; Fee Trans.;

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Declaration Power of Attorney Utility Patent App.
 Combined Declaration & Power of Attorney Transmittal; Application
 Assignment Small Entity Decl. Data Sheet; Fee Trans.;
Patent Application; with Express Mail No.
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Title Page 1
No. Pages of Claims: 10
No. Pages of Abstract: 1
No. Sheets of Drawings: 7
Sequence Listing 43

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